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Attorneys for Defendant  
FIREMAN'S FUND INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HARTFORD CASUALTY INSURANCE  
COMPANY, an Indiana Corporation,

Plaintiff,

v.

FIREMAN'S FUND INSURANCE  
COMPANY, a California Corporation;  
BURNS & WILCOX INSURANCE  
SERVICES, INC., a California Corporation;  
and DOES 1 to 50,

Defendants.

BURNS & WILCOX INSURANCE  
SERVICES, a California Corporation,

Cross-Complainant,

v.

MALIBU PACIFIC INSURANCE AGENCY,  
INC., and ROES 1-100, inclusive,

Cross-Defendants

CASE NO.: 3:15-cv-02592-SI

**DEFENDANT FIREMAN'S FUND  
INSURANCE COMPANY'S RESPONSE  
TO MOSEN O'HADI'S REQUEST FOR  
PRODUCTION OF DOCUMENTS, SET  
ONE**

Hon. Susan Illston

Action Filed: June 10, 2015  
Trial: November 14, 2016

**EXHIBIT B TO JOINT STATEMENT - PAGE 1 OF 14**

**PROPOUNDING PARTY:**

Cross-Defendant MOSEN O'HADI

**RESPONDING PARTY:**

Defendant FIREMAN'S FUND INSURANCE  
COMPANY

**SET NO.:**

ONE (1)

Defendant Fireman's Fund Insurance Company ("Fireman's Fund") responds to Cross-defendant Mosen O'Hadi's ("Cross-defendant") Request for Production of Documents, Set One, as follows:

**I. GENERAL RESPONSE**

Discovery in this action is continuing and Fireman's Fund has not completed its own investigation into either this case generally or the matters related to this request for production of documents specifically. Fireman's Fund therefore reserves its right to make changes in these responses if it appears that omissions or errors have been made in them or that further and more accurate information is available. The following responses and objections state Fireman's Fund knowledge, information, and belief as of the date of such responses and objections, and Fireman's Fund expressly reserves the right to rely upon and/or introduce into evidence at trial such additional information or facts as it may discover hereafter. Further, Fireman's Fund reserves the right to submit additional objections to these document requests or any other document requests. Fireman's Fund reserves the right to change any and all responses herein as additional facts and further information are obtained, new analyses are made, and legal research is completed. Fireman's Fund objects to each and every document request to the extent that it purports to require Fireman's Fund to provide information that is not reasonably available to Fireman's Fund through reasonable and good faith inquiry into its records or the knowledge of its employees. Fireman's Fund does not by any objection to any document request admit to the accuracy of any factual matter asserted in the text of any such document request. Fireman's Fund makes the following responses without waiving its right to produce evidence at trial of any subsequently ascertained facts.

Fireman's Fund objects to these requests to the extent they seek information beyond the scope of discovery authorized by the Federal Rules of Civil Procedure.

1 Fireman's Fund objects to the document requests to the extent that they seek production of  
 2 information and documents subject to, without limitation, the attorney-client privilege, the  
 3 attorney work-product doctrine and other applicable privileges and protections.

4 Fireman's Fund objects to these requests to the extent they seek privileged or confidential  
 5 information encompassed by privacy, trade secret or proprietary information privilege,  
 6 confidentiality, litigation privilege, or any other applicable privilege or immunity from disclosure.

7 Fireman's Fund objects to each request to the extent it is overly broad, unduly burdensome  
 8 or oppressive.

9 Fireman's Fund does not concede the relevance or the materiality of any information  
 10 requested or provided or of the subject matter to which such information refers. Fireman's Fund's  
 11 responses are made subject to and without waiving any questions or objections as to the  
 12 competency, relevance, materiality or admissibility as evidence or for any other purpose, of any of  
 13 the information or documents referred to herein, or of the subject matter thereof, in any  
 14 proceeding, including the trial of this action or any other action. Fireman's Fund will produce  
 15 copies of the documents identified in these responses at a mutually agreeable time and location.

16 These general objections are hereby incorporated into each of the specific responses made  
 17 herein. Notwithstanding the specific responses to any of the requests, Fireman's Fund does not  
 18 waive any of the objections made herein.

#### 19 **RESPONSES TO REQUEST FOR PRODUCTION**

##### 20 **REQUEST FOR PRODUCTION NO. 1:**

21 A complete copy of the claims file for claim no. 00510803190. (The claims file pertains  
 22 to a claim for coverage filed by Herndon Partners, LLC, and/or Paul Owhadi, regarding the death  
 23 of Francisco Martinez Moreno at the home located at 31522 Broad Beach Road, Malibu, CA, in  
 24 or about September 2009, and the subsequent wrongful death lawsuit filed by Mr. Moreno's  
 25 family, Fresno County Superior Court Case No. 1 OCECG03837.)

##### 26 **RESPONSE TO REQUEST NO. 1:**

27 Fireman's Fund objects that the claim file is not relevant to Cross-defendant's claims or  
 28 defenses and not proportional to the needs of the case. Fireman's Fund objects to the extent that

1 the request seeks documents subject to the attorney-client privilege, attorney work-product,  
 2 privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable  
 3 privileges, or that are immune from disclosure.

4 **REQUEST FOR PRODUCTION NO. 2:**

5 A complete copy of the underwriting file pertaining to FIREMAN'S FUND PRIMARY  
 6 POLICY at issue in this litigation.

7 **RESPONSE TO REQUEST NO. 2:**

8 Fireman's Fund objects to this request to the extent that it seeks documents subject to the  
 9 attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality,  
 10 litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

11 Subject to and without waiving the foregoing objections, Fireman's Fund responds that  
 12 relevant, applicable, non-privileged documents responsive to this request for production, if any,  
 13 will be produced.

14 **REQUEST FOR PRODUCTION NO. 3:**

15 A complete copy of the underwriting file pertaining to FIREMAN'S FUND EXCESS  
 16 POLICY at issue in this litigation.

17 **RESPONSE TO REQUEST NO. 3:**

18 Fireman's Fund objects to this request to the extent that it seeks documents subject to the  
 19 attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality,  
 20 litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

21 Subject to and without waiving the foregoing objections, Fireman's Fund responds that  
 22 relevant, applicable, non-privileged documents responsive to this request for production, if any,  
 23 will be produced.

24 **REQUEST FOR PRODUCTION NO. 4:**

25 Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU  
 26 and Burns & Wilcox Insurance Services, Inc., regarding the procurement of insurance of the  
 27 FIREMAN'S FUND PRIMARY POLICY.

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**RESPONSE TO REQUEST NO. 4:**

Fireman's Fund objects that the request is vague and ambiguous with respect to the word "procurement." Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 5:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Burns & Wilcox Insurance Services, Inc., regarding the procurement of insurance of the FIREMAN'S FUND EXCESS POLICY.

**RESPONSE TO REQUEST NO. 5:**

Fireman's Fund objects that the request is vague and ambiguous with respect to the word "procurement." Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 6:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Mosen O'Hadi and/or Malibu Coastal Insurance Services regarding the procurement of insurance of the FIREMAN'S FUND PRIMARY POLICY.

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**RESPONSE TO REQUEST NO. 6:**

Fireman's Fund objects that the request is vague and ambiguous with respect to the word "procurement." Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds as follows: Fireman's Fund is currently unaware of any documents in its possession, custody, or control, responsive to this request. Discovery is continuing. Fireman's Fund reserves the right to amend this response.

**REQUEST FOR PRODUCTION NO. 7:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Mosen O'Hadi and/or Malibu Coastal Insurance Services regarding the procurement of insurance of the FIREMAN'S FUND EXCESS POLICY.

**RESPONSE TO REQUEST NO. 7:**

Fireman's Fund objects that the request is vague and ambiguous with respect to the word "procurement". Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds as follows: Fireman's Fund is currently unaware of any documents in its possession, custody, or control, responsive to this request. Discovery is continuing. Fireman's Fund reserves the right to amend this response.

**REQUEST FOR PRODUCTION NO. 8:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Paul Owahdi and/or Herndon Partners, LLC, regarding the FIREMAN'S FUND PRIMARY POLICY at any time, including but not limited to, any declination letters.

**RESPONSE TO REQUEST NO. 8:**

Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 9:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Paul Owhadi and/or Herndon Partners, LLC, regarding the FIREMAN'S FUND EXCESS POLICY at any time, including but not limited to, any declination letters.

**RESPONSE TO REQUEST NO. 9:**

Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 10:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Paul Owhadi and/or Herndon Partners, LLC, regarding the residence located at 31522 Broad Beach Road, Malibu, CA 90265.

**RESPONSE TO REQUEST NO. 10:**

Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that

relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 11:**

A certified copy of the FIREMAN'S FUND PRIMARY POLICY.

**RESPONSE TO REQUEST NO. 11:**

Relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 12:**

A certified copy of the FIREMAN'S FUND EXCESS POLICY.

**RESPONSE TO REQUEST NO. 12:**

Relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 13:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Hartford Casualty Insurance Company regarding the residence located at 31522 Broad Beach Road, Malibu, CA 90265, at any time.

**RESPONSE TO REQUEST NO. 13:**

Fireman's Fund objects to this request to the extent that it seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 14:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and Hartford Casualty Insurance Company regarding the FIREMAN'S FUND PRIMARY POLICY.

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1 **RESPONSE TO REQUEST NO. 14:**

2 Fireman's Fund objects to this request to the extent that it seeks documents subject to the  
3 attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality,  
4 litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

5 Subject to and without waiving the foregoing objections, Fireman's Fund responds that  
6 relevant, applicable, non-privileged documents responsive to this request for production, if any,  
7 will be produced.

8 **REQUEST FOR PRODUCTION NO. 15:**

9 Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU  
10 and Hartford Casualty Insurance Company regarding the FIREMAN'S FUND EXCESS POLICY.

11 **RESPONSE TO REQUEST NO. 15:**

12 Fireman's Fund objects to this request to the extent that it seeks documents subject to the  
13 attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality,  
14 litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

15 Subject to and without waiving the foregoing objections, Fireman's Fund responds that  
16 relevant, applicable, non-privileged documents responsive to this request for production, if any,  
17 will be produced.

18 **REQUEST FOR PRODUCTION NO. 16:**

19 Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU  
20 and Hartford Casualty Insurance Company regarding *Consuelo Martinez v. Herndon Partners,*  
21 *LLC, et al.*, Fresno County Superior Court Case No. 10 CE CG 03837.

22 **RESPONSE TO REQUEST NO. 16:**

23 Fireman's Fund objects to this request to the extent that it seeks documents subject to the  
24 attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality,  
25 litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

26 Subject to and without waiving the foregoing objections, Fireman's Fund responds that  
27 relevant, applicable, non-privileged documents responsive to this request for production, if any,  
28 will be produced.

1 **REQUEST FOR PRODUCTION NO. 17:**

2 Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS YOU received  
3 on behalf of Paul Owhadi and/or Herndon Partners, LLC, from the plaintiffs in the action entitled  
4 *Consuelo Martinez v. Herndon Partners, LLC, et al.*, Fresno County Superior Court Case No.  
5 10 CE CG 03837, including any settlement communications.

6 **RESPONSE TO REQUEST NO. 17:**

7 Fireman's Fund objects to this request to the extent that it seeks documents subject to the  
8 attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality,  
9 litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

10 Subject to and without waiving the foregoing objections, Fireman's Fund responds as  
11 follows: Fireman's Fund is currently unaware of any documents in its possession, custody, or  
12 control, responsive to this request. Discovery is continuing. Fireman's Fund reserves the right to  
13 amend this response.

14 **REQUEST FOR PRODUCTION NO. 18:**

15 Any and all DOCUMENTS that evidence or reflect the pleadings filed by the parties in  
16 *Consuelo Martinez v. Herndon Partners, LLC, et al.*, Fresno County Superior Court Case  
17 No. 10 CE CG 03837.

18 **RESPONSE TO REQUEST NO. 18:**

19 Fireman's Fund objects that the requested documents are equally available to Cross-  
20 Defendant.

21 **REQUEST FOR PRODUCTION NO. 19:**

22 Any and all DOCUMENTS that evidence or reflect the parties' written discovery and  
23 responses thereto in *Consuelo Martinez v. Herndon Partners, LLC, et al.*, Fresno County  
24 Superior Court Case No. 10 CE CG 03837.

25 **RESPONSE TO REQUEST NO. 19:**

26 Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to  
27 this request for production, if any, and in Fireman's Fund possession, custody, or control, will be  
28 produced.

1 **REQUEST FOR PRODUCTION NO. 20:**

2 Any and all transcripts of depositions taken in *Consuelo Martinez v. Herndon Partners,*  
3 *LLC, et al.,* Fresno County Superior Court Case No. 10 CE CG 03837.

4 **RESPONSE TO REQUEST NO. 20:**

5 Fireman's Fund objects that the requested documents are equally available to Cross-  
6 Defendant.

7 **REQUEST FOR PRODUCTION NO. 21:**

8 Any and all DOCUMENTS that evidence or reflect the reports of any experts retained by  
9 any party in *Consuelo Martinez v. Herndon Partners, LLC, et al.,* Fresno County Superior Court  
10 Case No. 10 CE CG 03837.

11 **RESPONSE TO REQUEST NO. 21:**

12 Fireman's Fund responds that relevant, applicable, non-privileged documents responsive  
13 to this request for production, if any, and in Fireman's Fund possession, custody, or control, will  
14 be produced.

15 **REQUEST FOR PRODUCTION NO. 22:**

16 Any and all DOCUMENTS which support YOUR affirmative defenses to Hartford  
17 Casualty Insurance Company's allegation against YOU raised in its COMPLAINT.

18 **RESPONSE TO REQUEST NO. 22:**

19 Fireman's Fund objects that the request violates the duty to state discovery requests with  
20 reasonable particularity. Fireman's Fund objects to the extent that the request seeks documents  
21 subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary,  
22 confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from  
23 disclosure. Fireman's Fund objects that it asserted its affirmative defenses to preserve its rights.

24 **REQUEST FOR PRODUCTION NO. 23:**

25 Any and all DOCUMENTS which evidence or reflect any declination letters YOU sent to  
26 Herndon Partners, LLC, and/or Paul Owhadi regarding Claim No. 00510803190. (The claim is in  
27 regards to coverage after the death of Francisco Martinez Moreno at the home located at 31522  
28 Broad Beach Road, Malibu, CA, in or about September 2009, and the subsequent

wrongful death lawsuit filed by Mr. Moreno's family, Fresno County Superior Court Case No. 1 OCECG03837.)

**RESPONSE TO REQUEST NO. 23:**

Fireman's Fund objects to the extent that the request seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 24:**

Any and all DOCUMENTS which evidence or reflect any reservation of rights letters YOU sent to Herndon Partners, LLC, and/or Paul Owhadi regarding Claim No. 00510803190.

**RESPONSE TO REQUEST NO. 24:**

Fireman's Fund objects to the extent that the request seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret, proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are immune from disclosure.

Subject to and without waiving the foregoing objections, Fireman's Fund responds that relevant, applicable, non-privileged documents responsive to this request for production, if any, will be produced.

**REQUEST FOR PRODUCTION NO. 25:**

Any and all DOCUMENTS that evidence or reflect COMMUNICATIONS between YOU and anyone regarding the residence located at 31522 Broad Beach Road, Malibu, CA 90265.

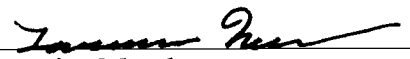
**RESPONSE TO REQUEST NO. 25:**

Fireman's Fund objects that this request is overly broad. The request encompasses innumerable communications between Fireman's Fund and its attorneys relating to this matter. To the extent the request does not encompass such communications, it is duplicative of request nos. 4 and 6, 8, 10, 13, 14, and 16. Fireman's Fund objects to the extent that the request seeks documents subject to the attorney-client privilege, attorney work-product, privacy, trade secret,

1 proprietary, confidentiality, litigation, mediation and/or other applicable privileges, or that are  
2 immune from disclosure.

3 Dated: February 22, 2016

MORALES FIERRO & REEVES

4  
5 By:   
6 Ramiro Morales  
7 Laurence Near  
8 Attorneys for Defendant  
9 FIREMAN'S FUND INSURANCE  
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*Hartford Casualty Ins. Co. v. Fireman's Fund Ins. Co., et al.*  
 USDC, Northern District of California  
 Case No. 3:15-cv-02592-SI

**PROOF OF SERVICE**

I am employed by the Law Offices of Morales, Fierro & Reeves located at 2300 Contra Costa Blvd., Suite 310, Pleasant Hill, California, 94523. I am over the age of eighteen years and not a party to the within action.

On February 22, 2016, I served the document(s) described as

**DEFENDANT FIREMAN'S FUND INSURANCE COMPANY'S RESPONSE TO MOSEN O'HADI'S REQUEST PRODUCTION OF DOCUMENTS, SET ONE**

on the interested party(ies) in this action as follows:

Stephen M. Hayes Joshua N. Kastan HAYS, SCOTT, BONINO, ELLINGSON & MCLAY, LLP 203 Redwood Shores Parkway, Suite 480 Redwood Shores, CA 94065 T: (650) 637-9100 <b>Attorneys for Hartford Casualty Ins. Co.</b>	Brian H. Gunn WOLFE & WYMAN LLP 2175 N. California Blvd., Suite 645 Walnut Creek, CA 94596 T: (925) 280-0004 <b>Attorneys for Burns &amp; Wilcox Ins. Servies</b>
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☒ BY U.S. MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same date with postage thereon fully prepaid in the ordinary course of business.

Executed on February 22, 2016 at Pleasant Hill, California.

  
 Denee Hernandez